



Rep. Karen May

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1 AMENDMENT TO HOUSE BILL 691

2 AMENDMENT NO. _____. Amend House Bill 691, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 1. Short title. This Act may be cited as the
6 Internet Prescribing Prohibition Act.

7 Section 5. Definitions. In this Act:

8 "Division" means the Division of Professional Regulation
9 of the Department of Financial and Professional Regulation.

10 "Licensed prescribers" means physicians licensed to
11 practice medicine in all its branches, licensed podiatrists,
12 therapeutically-certified optometrists, licensed dentists,
13 licensed physician assistants who have been delegated
14 prescriptive authority by a supervising physician, and
15 licensed advanced practice registered nurses who have a written
16 collaborative agreement with a collaborating physician that

1 authorizes prescriptive authority.

2 Section 10. Prohibition on Internet prescribing.

3 (a) Illinois licensed prescribers may not knowingly
4 prescribe controlled substances under the Illinois Controlled
5 Substances Act for a patient via the Internet, World Wide Web,
6 telephone, facsimile, or any other electronic means unless the
7 following elements have been met:

8 (1) the patient has been physically examined by the
9 prescriber or has been given a documented patient
10 evaluation, including health history and a physical
11 examination, to establish the diagnosis for which any
12 legend drug is prescribed;

13 (2) the prescriber and the patient have discussed
14 treatment options and the risks and benefits of treatment;
15 and

16 (3) the prescriber has maintained the patient's
17 medical records.

18 (b) The provisions of subdivision (1) of subsection (a) of
19 this Section are not applicable in an emergency situation. For
20 purposes of this Section, an emergency situation means those
21 situations in which the prescriber determines that the
22 immediate administration of the medication is necessary for the
23 proper treatment of the patient and it is not reasonably
24 possible for the prescriber to comply with the provisions of
25 this Section prior to providing such prescription.

1 (c) The provisions of subdivision (1) of subsection (a) of
2 this Section shall not be construed to prohibit patient care in
3 the following circumstances:

4 (1) in consultation with another health care
5 professional who has an ongoing relationship with the
6 patient and who has agreed to supervise the patient's
7 treatment, including the use of any prescribed
8 medications;

9 (2) on-call or cross-coverage situations in which a
10 prescriber provides care for another prescriber's
11 patients;

12 (3) admission orders for a newly hospitalized patient;

13 (4) orders for patients in long-term care facilities or
14 hospitals recommended by registered professional nurses;
15 and

16 (5) continuing medications on a short-term basis for a
17 new patient prior to the first appointment.

18 (d) Nothing in this Section shall be construed to prevent
19 the electronic distribution of a prescription to a pharmacy.

20 Section 15. Penalties. A person convicted of violating this
21 Act is guilty of a business offense and shall be fined not less
22 than \$1,000 for the first violation and not less than \$2,000
23 for a second or subsequent violation. A person convicted of
24 violating this Act must be reported to the Division for
25 appropriate licensing board review.

1 Section 90. The Illinois Dental Practice Act is amended by
2 changing Section 23 as follows:

3 (225 ILCS 25/23) (from Ch. 111, par. 2323)

4 (Section scheduled to be repealed on January 1, 2016)

5 Sec. 23. Refusal, revocation or suspension of dental
6 licenses. The Department may refuse to issue or renew, or may
7 revoke, suspend, place on probation, reprimand or take other
8 disciplinary action as the Department may deem proper,
9 including fines not to exceed \$10,000 per violation, with
10 regard to any license for any one or any combination of the
11 following causes:

12 1. Fraud in procuring the license.

13 2. Habitual intoxication or addiction to the use of
14 drugs.

15 3. Willful or repeated violations of the rules of the
16 Department of Public Health or Department of Nuclear
17 Safety.

18 4. Acceptance of a fee for service as a witness,
19 without the knowledge of the court, in addition to the fee
20 allowed by the court.

21 5. Division of fees or agreeing to split or divide the
22 fees received for dental services with any person for
23 bringing or referring a patient, except in regard to
24 referral services as provided for under Section 45, or
25 assisting in the care or treatment of a patient, without

1 the knowledge of the patient or his legal representative.

2 6. Employing, procuring, inducing, aiding or abetting
3 a person not licensed or registered as a dentist to engage
4 in the practice of dentistry. The person practiced upon is
5 not an accomplice, employer, procurer, inducer, aider, or
6 abetter within the meaning of this Act.

7 7. Making any misrepresentations or false promises,
8 directly or indirectly, to influence, persuade or induce
9 dental patronage.

10 8. Professional connection or association with or
11 lending his name to another for the illegal practice of
12 dentistry by another, or professional connection or
13 association with any person, firm or corporation holding
14 himself, herself, themselves, or itself out in any manner
15 contrary to this Act.

16 9. Obtaining or seeking to obtain practice, money, or
17 any other things of value by false or fraudulent
18 representations, but not limited to, engaging in such
19 fraudulent practice to defraud the medical assistance
20 program of the Department of Healthcare and Family Services
21 (formerly Department of Public Aid).

22 10. Practicing under a name other than his or her own.

23 11. Engaging in dishonorable, unethical, or
24 unprofessional conduct of a character likely to deceive,
25 defraud, or harm the public.

26 12. Conviction in this or another State of any crime

1 which is a felony under the laws of this State or
2 conviction of a felony in a federal court, conviction of a
3 misdemeanor, an essential element of which is dishonesty,
4 or conviction of any crime which is directly related to the
5 practice of dentistry or dental hygiene.

6 13. Permitting a dental hygienist, dental assistant or
7 other person under his or her supervision to perform any
8 operation not authorized by this Act.

9 14. Permitting more than 4 dental hygienists to be
10 employed under his supervision at any one time.

11 15. A violation of any provision of this Act or any
12 rules promulgated under this Act.

13 16. Taking impressions for or using the services of any
14 person, firm or corporation violating this Act.

15 17. Violating any provision of Section 45 relating to
16 advertising.

17 18. Discipline by another U.S. jurisdiction or foreign
18 nation, if at least one of the grounds for the discipline
19 is the same or substantially equivalent to those set forth
20 within this Act.

21 19. Willfully failing to report an instance of
22 suspected child abuse or neglect as required by the Abused
23 and Neglected Child Reporting Act.

24 20. Gross or repeated malpractice resulting in injury
25 or death of a patient.

26 21. The use or prescription for use of narcotics or

1 controlled substances or designated products as listed in
2 the Illinois Controlled Substances Act, in any way other
3 than for therapeutic purposes.

4 22. Willfully making or filing false records or reports
5 in his practice as a dentist, including, but not limited
6 to, false records to support claims against the dental
7 assistance program of the Department of Healthcare and
8 Family Services (formerly Illinois Department of Public
9 Aid).

10 23. Professional incompetence as manifested by poor
11 standards of care.

12 24. Physical or mental illness, including, but not
13 limited to, deterioration through the aging process, or
14 loss of motor skills which results in a dentist's inability
15 to practice dentistry with reasonable judgment, skill or
16 safety. In enforcing this paragraph, the Department may
17 compel a person licensed to practice under this Act to
18 submit to a mental or physical examination pursuant to the
19 terms and conditions of Section 23b.

20 25. Repeated irregularities in billing a third party
21 for services rendered to a patient. For purposes of this
22 paragraph 25, "irregularities in billing" shall include:

23 (a) Reporting excessive charges for the purpose of
24 obtaining a total payment in excess of that usually
25 received by the dentist for the services rendered.

26 (b) Reporting charges for services not rendered.

1 (c) Incorrectly reporting services rendered for
2 the purpose of obtaining payment not earned.

3 26. Continuing the active practice of dentistry while
4 knowingly having any infectious, communicable, or
5 contagious disease proscribed by rule or regulation of the
6 Department.

7 27. Being named as a perpetrator in an indicated report
8 by the Department of Children and Family Services pursuant
9 to the Abused and Neglected Child Reporting Act, and upon
10 proof by clear and convincing evidence that the licensee
11 has caused a child to be an abused child or neglected child
12 as defined in the Abused and Neglected Child Reporting Act.

13 28. Violating the Health Care Worker Self-Referral
14 Act.

15 29. Abandonment of a patient.

16 30. Mental incompetency as declared by a court of
17 competent jurisdiction.

18 31. Violating any provision of the Internet
19 Prescribing Prohibition Act.

20 All proceedings to suspend, revoke, place on probationary
21 status, or take any other disciplinary action as the Department
22 may deem proper, with regard to a license on any of the
23 foregoing grounds, must be commenced within 3 years after
24 receipt by the Department of a complaint alleging the
25 commission of or notice of the conviction order for any of the
26 acts described herein. Except for fraud in procuring a license,

1 no action shall be commenced more than 5 years after the date
2 of the incident or act alleged to have violated this Section.
3 The time during which the holder of the license was outside the
4 State of Illinois shall not be included within any period of
5 time limiting the commencement of disciplinary action by the
6 Department.

7 The Department may refuse to issue or may suspend the
8 license of any person who fails to file a return, or to pay the
9 tax, penalty or interest shown in a filed return, or to pay any
10 final assessment of tax, penalty or interest, as required by
11 any tax Act administered by the Illinois Department of Revenue,
12 until such time as the requirements of any such tax Act are
13 satisfied.

14 (Source: P.A. 94-1014, eff. 7-7-06.)

15 Section 95. The Medical Practice Act of 1987 is amended by
16 changing Section 22 as follows:

17 (225 ILCS 60/22) (from Ch. 111, par. 4400-22)

18 (Section scheduled to be repealed on December 31, 2008)

19 Sec. 22. Disciplinary action.

20 (A) The Department may revoke, suspend, place on
21 probationary status, refuse to renew, or take any other
22 disciplinary action as the Department may deem proper with
23 regard to the license or visiting professor permit of any
24 person issued under this Act to practice medicine, or to treat

1 human ailments without the use of drugs and without operative
2 surgery upon any of the following grounds:

3 (1) Performance of an elective abortion in any place,
4 locale, facility, or institution other than:

5 (a) a facility licensed pursuant to the Ambulatory
6 Surgical Treatment Center Act;

7 (b) an institution licensed under the Hospital
8 Licensing Act; or

9 (c) an ambulatory surgical treatment center or
10 hospitalization or care facility maintained by the
11 State or any agency thereof, where such department or
12 agency has authority under law to establish and enforce
13 standards for the ambulatory surgical treatment
14 centers, hospitalization, or care facilities under its
15 management and control; or

16 (d) ambulatory surgical treatment centers,
17 hospitalization or care facilities maintained by the
18 Federal Government; or

19 (e) ambulatory surgical treatment centers,
20 hospitalization or care facilities maintained by any
21 university or college established under the laws of
22 this State and supported principally by public funds
23 raised by taxation.

24 (2) Performance of an abortion procedure in a wilful
25 and wanton manner on a woman who was not pregnant at the
26 time the abortion procedure was performed.

1 (3) The conviction of a felony in this or any other
2 jurisdiction, except as otherwise provided in subsection B
3 of this Section, whether or not related to practice under
4 this Act, or the entry of a guilty or nolo contendere plea
5 to a felony charge.

6 (4) Gross negligence in practice under this Act.

7 (5) Engaging in dishonorable, unethical or
8 unprofessional conduct of a character likely to deceive,
9 defraud or harm the public.

10 (6) Obtaining any fee by fraud, deceit, or
11 misrepresentation.

12 (7) Habitual or excessive use or abuse of drugs defined
13 in law as controlled substances, of alcohol, or of any
14 other substances which results in the inability to practice
15 with reasonable judgment, skill or safety.

16 (8) Practicing under a false or, except as provided by
17 law, an assumed name.

18 (9) Fraud or misrepresentation in applying for, or
19 procuring, a license under this Act or in connection with
20 applying for renewal of a license under this Act.

21 (10) Making a false or misleading statement regarding
22 their skill or the efficacy or value of the medicine,
23 treatment, or remedy prescribed by them at their direction
24 in the treatment of any disease or other condition of the
25 body or mind.

26 (11) Allowing another person or organization to use

1 their license, procured under this Act, to practice.

2 (12) Disciplinary action of another state or
3 jurisdiction against a license or other authorization to
4 practice as a medical doctor, doctor of osteopathy, doctor
5 of osteopathic medicine or doctor of chiropractic, a
6 certified copy of the record of the action taken by the
7 other state or jurisdiction being prima facie evidence
8 thereof.

9 (13) Violation of any provision of this Act or of the
10 Medical Practice Act prior to the repeal of that Act, or
11 violation of the rules, or a final administrative action of
12 the Secretary, after consideration of the recommendation
13 of the Disciplinary Board.

14 (14) Dividing with anyone other than physicians with
15 whom the licensee practices in a partnership, Professional
16 Association, limited liability company, or Medical or
17 Professional Corporation any fee, commission, rebate or
18 other form of compensation for any professional services
19 not actually and personally rendered. Nothing contained in
20 this subsection prohibits persons holding valid and
21 current licenses under this Act from practicing medicine in
22 partnership under a partnership agreement, including a
23 limited liability partnership, in a limited liability
24 company under the Limited Liability Company Act, in a
25 corporation authorized by the Medical Corporation Act, as
26 an association authorized by the Professional Association

1 Act, or in a corporation under the Professional Corporation
2 Act or from pooling, sharing, dividing or apportioning the
3 fees and monies received by them or by the partnership,
4 corporation or association in accordance with the
5 partnership agreement or the policies of the Board of
6 Directors of the corporation or association. Nothing
7 contained in this subsection prohibits 2 or more
8 corporations authorized by the Medical Corporation Act,
9 from forming a partnership or joint venture of such
10 corporations, and providing medical, surgical and
11 scientific research and knowledge by employees of these
12 corporations if such employees are licensed under this Act,
13 or from pooling, sharing, dividing, or apportioning the
14 fees and monies received by the partnership or joint
15 venture in accordance with the partnership or joint venture
16 agreement. Nothing contained in this subsection shall
17 abrogate the right of 2 or more persons, holding valid and
18 current licenses under this Act, to each receive adequate
19 compensation for concurrently rendering professional
20 services to a patient and divide a fee; provided, the
21 patient has full knowledge of the division, and, provided,
22 that the division is made in proportion to the services
23 performed and responsibility assumed by each.

24 (15) A finding by the Medical Disciplinary Board that
25 the registrant after having his or her license placed on
26 probationary status or subjected to conditions or

1 restrictions violated the terms of the probation or failed
2 to comply with such terms or conditions.

3 (16) Abandonment of a patient.

4 (17) Prescribing, selling, administering,
5 distributing, giving or self-administering any drug
6 classified as a controlled substance (designated product)
7 or narcotic for other than medically accepted therapeutic
8 purposes.

9 (18) Promotion of the sale of drugs, devices,
10 appliances or goods provided for a patient in such manner
11 as to exploit the patient for financial gain of the
12 physician.

13 (19) Offering, undertaking or agreeing to cure or treat
14 disease by a secret method, procedure, treatment or
15 medicine, or the treating, operating or prescribing for any
16 human condition by a method, means or procedure which the
17 licensee refuses to divulge upon demand of the Department.

18 (20) Immoral conduct in the commission of any act
19 including, but not limited to, commission of an act of
20 sexual misconduct related to the licensee's practice.

21 (21) Wilfully making or filing false records or reports
22 in his or her practice as a physician, including, but not
23 limited to, false records to support claims against the
24 medical assistance program of the Department of Healthcare
25 and Family Services (formerly Department of Public Aid)
26 under the Illinois Public Aid Code.

1 (22) Wilful omission to file or record, or wilfully
2 impeding the filing or recording, or inducing another
3 person to omit to file or record, medical reports as
4 required by law, or wilfully failing to report an instance
5 of suspected abuse or neglect as required by law.

6 (23) Being named as a perpetrator in an indicated
7 report by the Department of Children and Family Services
8 under the Abused and Neglected Child Reporting Act, and
9 upon proof by clear and convincing evidence that the
10 licensee has caused a child to be an abused child or
11 neglected child as defined in the Abused and Neglected
12 Child Reporting Act.

13 (24) Solicitation of professional patronage by any
14 corporation, agents or persons, or profiting from those
15 representing themselves to be agents of the licensee.

16 (25) Gross and wilful and continued overcharging for
17 professional services, including filing false statements
18 for collection of fees for which services are not rendered,
19 including, but not limited to, filing such false statements
20 for collection of monies for services not rendered from the
21 medical assistance program of the Department of Healthcare
22 and Family Services (formerly Department of Public Aid)
23 under the Illinois Public Aid Code.

24 (26) A pattern of practice or other behavior which
25 demonstrates incapacity or incompetence to practice under
26 this Act.

1 (27) Mental illness or disability which results in the
2 inability to practice under this Act with reasonable
3 judgment, skill or safety.

4 (28) Physical illness, including, but not limited to,
5 deterioration through the aging process, or loss of motor
6 skill which results in a physician's inability to practice
7 under this Act with reasonable judgment, skill or safety.

8 (29) Cheating on or attempt to subvert the licensing
9 examinations administered under this Act.

10 (30) Wilfully or negligently violating the
11 confidentiality between physician and patient except as
12 required by law.

13 (31) The use of any false, fraudulent, or deceptive
14 statement in any document connected with practice under
15 this Act.

16 (32) Aiding and abetting an individual not licensed
17 under this Act in the practice of a profession licensed
18 under this Act.

19 (33) Violating state or federal laws or regulations
20 relating to controlled substances, legend drugs, or
21 ephedra, as defined in the Ephedra Prohibition Act.

22 (34) Failure to report to the Department any adverse
23 final action taken against them by another licensing
24 jurisdiction (any other state or any territory of the
25 United States or any foreign state or country), by any peer
26 review body, by any health care institution, by any

1 professional society or association related to practice
2 under this Act, by any governmental agency, by any law
3 enforcement agency, or by any court for acts or conduct
4 similar to acts or conduct which would constitute grounds
5 for action as defined in this Section.

6 (35) Failure to report to the Department surrender of a
7 license or authorization to practice as a medical doctor, a
8 doctor of osteopathy, a doctor of osteopathic medicine, or
9 doctor of chiropractic in another state or jurisdiction, or
10 surrender of membership on any medical staff or in any
11 medical or professional association or society, while
12 under disciplinary investigation by any of those
13 authorities or bodies, for acts or conduct similar to acts
14 or conduct which would constitute grounds for action as
15 defined in this Section.

16 (36) Failure to report to the Department any adverse
17 judgment, settlement, or award arising from a liability
18 claim related to acts or conduct similar to acts or conduct
19 which would constitute grounds for action as defined in
20 this Section.

21 (37) Failure to transfer copies of medical records as
22 required by law.

23 (38) Failure to furnish the Department, its
24 investigators or representatives, relevant information,
25 legally requested by the Department after consultation
26 with the Chief Medical Coordinator or the Deputy Medical

1 Coordinator.

2 (39) Violating the Health Care Worker Self-Referral
3 Act.

4 (40) Willful failure to provide notice when notice is
5 required under the Parental Notice of Abortion Act of 1995.

6 (41) Failure to establish and maintain records of
7 patient care and treatment as required by this law.

8 (42) Entering into an excessive number of written
9 collaborative agreements with licensed advanced practice
10 nurses resulting in an inability to adequately collaborate
11 and provide medical direction.

12 (43) Repeated failure to adequately collaborate with
13 or provide medical direction to a licensed advanced
14 practice nurse.

15 (44) Violating any provision of the Internet
16 Prescribing Prohibition Act.

17 Except for actions involving the ground numbered (26), all
18 proceedings to suspend, revoke, place on probationary status,
19 or take any other disciplinary action as the Department may
20 deem proper, with regard to a license on any of the foregoing
21 grounds, must be commenced within 5 years next after receipt by
22 the Department of a complaint alleging the commission of or
23 notice of the conviction order for any of the acts described
24 herein. Except for the grounds numbered (8), (9), (26), and
25 (29), no action shall be commenced more than 10 years after the
26 date of the incident or act alleged to have violated this

1 Section. For actions involving the ground numbered (26), a
2 pattern of practice or other behavior includes all incidents
3 alleged to be part of the pattern of practice or other behavior
4 that occurred or a report pursuant to Section 23 of this Act
5 received within the 10-year period preceding the filing of the
6 complaint. In the event of the settlement of any claim or cause
7 of action in favor of the claimant or the reduction to final
8 judgment of any civil action in favor of the plaintiff, such
9 claim, cause of action or civil action being grounded on the
10 allegation that a person licensed under this Act was negligent
11 in providing care, the Department shall have an additional
12 period of 2 years from the date of notification to the
13 Department under Section 23 of this Act of such settlement or
14 final judgment in which to investigate and commence formal
15 disciplinary proceedings under Section 36 of this Act, except
16 as otherwise provided by law. The time during which the holder
17 of the license was outside the State of Illinois shall not be
18 included within any period of time limiting the commencement of
19 disciplinary action by the Department.

20 The entry of an order or judgment by any circuit court
21 establishing that any person holding a license under this Act
22 is a person in need of mental treatment operates as a
23 suspension of that license. That person may resume their
24 practice only upon the entry of a Departmental order based upon
25 a finding by the Medical Disciplinary Board that they have been
26 determined to be recovered from mental illness by the court and

1 upon the Disciplinary Board's recommendation that they be
2 permitted to resume their practice.

3 The Department may refuse to issue or take disciplinary
4 action concerning the license of any person who fails to file a
5 return, or to pay the tax, penalty or interest shown in a filed
6 return, or to pay any final assessment of tax, penalty or
7 interest, as required by any tax Act administered by the
8 Illinois Department of Revenue, until such time as the
9 requirements of any such tax Act are satisfied as determined by
10 the Illinois Department of Revenue.

11 The Department, upon the recommendation of the
12 Disciplinary Board, shall adopt rules which set forth standards
13 to be used in determining:

14 (a) when a person will be deemed sufficiently
15 rehabilitated to warrant the public trust;

16 (b) what constitutes dishonorable, unethical or
17 unprofessional conduct of a character likely to deceive,
18 defraud, or harm the public;

19 (c) what constitutes immoral conduct in the commission
20 of any act, including, but not limited to, commission of an
21 act of sexual misconduct related to the licensee's
22 practice; and

23 (d) what constitutes gross negligence in the practice
24 of medicine.

25 However, no such rule shall be admissible into evidence in
26 any civil action except for review of a licensing or other

1 disciplinary action under this Act.

2 In enforcing this Section, the Medical Disciplinary Board,
3 upon a showing of a possible violation, may compel any
4 individual licensed to practice under this Act, or who has
5 applied for licensure or a permit pursuant to this Act, to
6 submit to a mental or physical examination, or both, as
7 required by and at the expense of the Department. The examining
8 physician or physicians shall be those specifically designated
9 by the Disciplinary Board. The Medical Disciplinary Board or
10 the Department may order the examining physician to present
11 testimony concerning this mental or physical examination of the
12 licensee or applicant. No information shall be excluded by
13 reason of any common law or statutory privilege relating to
14 communication between the licensee or applicant and the
15 examining physician. The individual to be examined may have, at
16 his or her own expense, another physician of his or her choice
17 present during all aspects of the examination. Failure of any
18 individual to submit to mental or physical examination, when
19 directed, shall be grounds for suspension of his or her license
20 until such time as the individual submits to the examination if
21 the Disciplinary Board finds, after notice and hearing, that
22 the refusal to submit to the examination was without reasonable
23 cause. If the Disciplinary Board finds a physician unable to
24 practice because of the reasons set forth in this Section, the
25 Disciplinary Board shall require such physician to submit to
26 care, counseling, or treatment by physicians approved or

1 designated by the Disciplinary Board, as a condition for
2 continued, reinstated, or renewed licensure to practice. Any
3 physician, whose license was granted pursuant to Sections 9,
4 17, or 19 of this Act, or, continued, reinstated, renewed,
5 disciplined or supervised, subject to such terms, conditions or
6 restrictions who shall fail to comply with such terms,
7 conditions or restrictions, or to complete a required program
8 of care, counseling, or treatment, as determined by the Chief
9 Medical Coordinator or Deputy Medical Coordinators, shall be
10 referred to the Secretary for a determination as to whether the
11 licensee shall have their license suspended immediately,
12 pending a hearing by the Disciplinary Board. In instances in
13 which the Secretary immediately suspends a license under this
14 Section, a hearing upon such person's license must be convened
15 by the Disciplinary Board within 15 days after such suspension
16 and completed without appreciable delay. The Disciplinary
17 Board shall have the authority to review the subject
18 physician's record of treatment and counseling regarding the
19 impairment, to the extent permitted by applicable federal
20 statutes and regulations safeguarding the confidentiality of
21 medical records.

22 An individual licensed under this Act, affected under this
23 Section, shall be afforded an opportunity to demonstrate to the
24 Disciplinary Board that they can resume practice in compliance
25 with acceptable and prevailing standards under the provisions
26 of their license.

1 The Department may promulgate rules for the imposition of
2 fines in disciplinary cases, not to exceed \$10,000 for each
3 violation of this Act. Fines may be imposed in conjunction with
4 other forms of disciplinary action, but shall not be the
5 exclusive disposition of any disciplinary action arising out of
6 conduct resulting in death or injury to a patient. Any funds
7 collected from such fines shall be deposited in the Medical
8 Disciplinary Fund.

9 (B) The Department shall revoke the license or visiting
10 permit of any person issued under this Act to practice medicine
11 or to treat human ailments without the use of drugs and without
12 operative surgery, who has been convicted a second time of
13 committing any felony under the Illinois Controlled Substances
14 Act or the Methamphetamine Control and Community Protection
15 Act, or who has been convicted a second time of committing a
16 Class 1 felony under Sections 8A-3 and 8A-6 of the Illinois
17 Public Aid Code. A person whose license or visiting permit is
18 revoked under this subsection B of Section 22 of this Act shall
19 be prohibited from practicing medicine or treating human
20 ailments without the use of drugs and without operative
21 surgery.

22 (C) The Medical Disciplinary Board shall recommend to the
23 Department civil penalties and any other appropriate
24 discipline in disciplinary cases when the Board finds that a
25 physician willfully performed an abortion with actual
26 knowledge that the person upon whom the abortion has been

1 performed is a minor or an incompetent person without notice as
2 required under the Parental Notice of Abortion Act of 1995.
3 Upon the Board's recommendation, the Department shall impose,
4 for the first violation, a civil penalty of \$1,000 and for a
5 second or subsequent violation, a civil penalty of \$5,000.

6 (Source: P.A. 94-556, eff. 9-11-05; 94-677, eff. 8-25-05;
7 revised 1-3-07.)

8 Section 100. The Nursing and Advanced Practice Nursing Act
9 is amended by changing Section 15-50 as follows:

10 (225 ILCS 65/15-50)

11 (Section scheduled to be repealed on January 1, 2008)

12 Sec. 15-50. Grounds for disciplinary action.

13 (a) The Department may, upon the recommendation of the APN
14 Board, refuse to issue or to renew, or may revoke, suspend,
15 place on probation, censure or reprimand, or take other
16 disciplinary action as the Department may deem appropriate with
17 regard to a license issued under this Title, including the
18 issuance of fines not to exceed \$5,000 for each violation, for
19 any one or combination of the grounds for discipline set forth
20 in Section 10-45 of this Act or for any one or combination of
21 the following causes:

22 (1) Gross negligence in the practice of advanced
23 practice nursing.

24 (2) Exceeding the terms of a collaborative agreement or

1 the prescriptive authority delegated to him or her by his
2 or her collaborating physician or alternate collaborating
3 physician in guidelines established under a written
4 collaborative agreement.

5 (3) Making a false or misleading statement regarding
6 his or her skill or the efficacy or value of the medicine,
7 treatment, or remedy prescribed by him or her in the course
8 of treatment.

9 (4) Prescribing, selling, administering, distributing,
10 giving, or self-administering a drug classified as a
11 controlled substance (designated product) or narcotic for
12 other than medically accepted therapeutic purposes.

13 (5) Promotion of the sale of drugs, devices,
14 appliances, or goods provided for a patient in a manner to
15 exploit the patient for financial gain.

16 (6) Violating State or federal laws or regulations
17 relating to controlled substances.

18 (7) Willfully or negligently violating the
19 confidentiality between advanced practice nurse,
20 collaborating physician, and patient, except as required
21 by law.

22 (8) Failure of a licensee to report to the Department
23 any adverse final action taken against such licensee by
24 another licensing jurisdiction (any other jurisdiction of
25 the United States or any foreign state or country), any
26 peer review body, any health care institution, a

1 professional or nursing or advanced practice nursing
2 society or association, a governmental agency, a law
3 enforcement agency, or a court or a liability claim
4 relating to acts or conduct similar to acts or conduct that
5 would constitute grounds for action as defined in this
6 Section.

7 (9) Failure of a licensee to report to the Department
8 surrender by the licensee of a license or authorization to
9 practice nursing or advanced practice nursing in another
10 state or jurisdiction, or current surrender by the licensee
11 of membership on any nursing staff or organized health care
12 professional staff or in any nursing, advanced practice
13 nurse, or professional association or society while under
14 disciplinary investigation by any of those authorities or
15 bodies for acts or conduct similar to acts or conduct that
16 would constitute grounds for action as defined in this
17 Section.

18 (10) Failing, within 60 days, to provide information in
19 response to a written request made by the Department.

20 (11) Failure to establish and maintain records of
21 patient care and treatment as required by law.

22 (12) Any violation of any Section of this Title or Act.

23 (13) Violating any provision of the Internet
24 Prescribing Prohibition Act.

25 When the Department has received written reports
26 concerning incidents required to be reported in items (8) and

1 (9), the licensee's failure to report the incident to the
2 Department under those items shall not be the sole grounds for
3 disciplinary action.

4 (b) The Department may refuse to issue or may suspend the
5 license of any person who fails to file a return, to pay the
6 tax, penalty, or interest shown in a filed return, or to pay
7 any final assessment of the tax, penalty, or interest as
8 required by a tax Act administered by the Department of
9 Revenue, until the requirements of the tax Act are satisfied.

10 (c) In enforcing this Section, the Department or APN Board,
11 upon a showing of a possible violation, may compel an
12 individual licensed to practice under this Title, or who has
13 applied for licensure under this Title, to submit to a mental
14 or physical examination or both, as required by and at the
15 expense of the Department. The Department or APN Board may
16 order the examining physician to present testimony concerning
17 the mental or physical examination of the licensee or
18 applicant. No information shall be excluded by reason of any
19 common law or statutory privilege relating to communications
20 between the licensee or applicant and the examining physician.
21 The examining physician shall be specifically designated by the
22 APN Board or Department. The individual to be examined may
23 have, at his or her own expense, another physician of his or
24 her choice present during all aspects of this examination.
25 Failure of an individual to submit to a mental or physical
26 examination when directed shall be grounds for suspension of

1 his or her license until the individual submits to the
2 examination if the Department finds, after notice and hearing,
3 that the refusal to submit to the examination was without
4 reasonable cause.

5 If the Department or APN Board finds an individual unable
6 to practice because of the reasons set forth in this Section,
7 the Department or APN Board may require that individual to
8 submit to care, counseling, or treatment by physicians approved
9 or designated by the Department or APN Board as a condition,
10 term, or restriction for continued, reinstated, or renewed
11 licensure to practice; or, in lieu of care, counseling, or
12 treatment, the Department may file, or the APN Board may
13 recommend to the Department to file, a complaint to immediately
14 suspend, revoke, or otherwise discipline the license of the
15 individual. An individual whose license was granted,
16 continued, reinstated, renewed, disciplined or supervised
17 subject to terms, conditions, or restrictions, and who fails to
18 comply with the terms, conditions, or restrictions, shall be
19 referred to the Director for a determination as to whether the
20 individual shall have his or her license suspended immediately,
21 pending a hearing by the Department.

22 In instances in which the Director immediately suspends a
23 person's license under this Section, a hearing on that person's
24 license shall be convened by the Department within 15 days
25 after the suspension and shall be completed without appreciable
26 delay. The Department and APN Board shall have the authority to

1 review the subject individual's record of treatment and
2 counseling regarding the impairment to the extent permitted by
3 applicable federal statutes and regulations safeguarding the
4 confidentiality of medical records.

5 An individual licensed under this Title and affected under
6 this Section shall be afforded an opportunity to demonstrate to
7 the Department or APN Board that he or she can resume practice
8 in compliance with acceptable and prevailing standards under
9 the provisions of his or her license.

10 (Source: P.A. 90-742, eff. 8-13-98.)

11 Section 105. The Illinois Optometric Practice Act of 1987
12 is amended by changing Section 24 as follows:

13 (225 ILCS 80/24) (from Ch. 111, par. 3924)

14 (Section scheduled to be repealed on January 1, 2017)

15 Sec. 24. Grounds for disciplinary action.

16 (a) The Department may refuse to issue or to renew, or may
17 revoke, suspend, place on probation, reprimand or take other
18 disciplinary action as the Department may deem proper,
19 including fines not to exceed \$10,000 for each violation, with
20 regard to any license for any one or combination of the
21 following causes:

22 (1) Violations of this Act, or of the rules promulgated
23 hereunder.

24 (2) Conviction of or entry of a plea of guilty to any

1 crime under the laws of any U.S. jurisdiction thereof that
2 is a felony or that is a misdemeanor of which an essential
3 element is dishonesty, or any crime that is directly
4 related to the practice of the profession.

5 (3) Making any misrepresentation for the purpose of
6 obtaining a license.

7 (4) Professional incompetence or gross negligence in
8 the practice of optometry.

9 (5) Gross malpractice, prima facie evidence of which
10 may be a conviction or judgment of malpractice in any court
11 of competent jurisdiction.

12 (6) Aiding or assisting another person in violating any
13 provision of this Act or rules.

14 (7) Failing, within 60 days, to provide information in
15 response to a written request made by the Department that
16 has been sent by certified or registered mail to the
17 licensee's last known address.

18 (8) Engaging in dishonorable, unethical, or
19 unprofessional conduct of a character likely to deceive,
20 defraud, or harm the public.

21 (9) Habitual or excessive use or addiction to alcohol,
22 narcotics, stimulants or any other chemical agent or drug
23 that results in the inability to practice with reasonable
24 judgment, skill, or safety.

25 (10) Discipline by another U.S. jurisdiction or
26 foreign nation, if at least one of the grounds for the

1 discipline is the same or substantially equivalent to those
2 set forth herein.

3 (11) Directly or indirectly giving to or receiving from
4 any person, firm, corporation, partnership, or association
5 any fee, commission, rebate, or other form of compensation
6 for any professional services not actually or personally
7 rendered. This shall not be deemed to include (i) rent or
8 other remunerations paid to an individual, partnership, or
9 corporation by an optometrist for the lease, rental, or use
10 of space, owned or controlled, by the individual,
11 partnership, corporation or association, and (ii) the
12 division of fees between an optometrist and related
13 professional service providers with whom the optometrist
14 practices in a professional corporation organized under
15 Section 3.6 of the Professional Service Corporation Act.

16 (12) A finding by the Department that the licensee,
17 after having his or her license placed on probationary
18 status has violated the terms of probation.

19 (13) Abandonment of a patient.

20 (14) Willfully making or filing false records or
21 reports in his or her practice, including but not limited
22 to false records filed with State agencies or departments.

23 (15) Willfully failing to report an instance of
24 suspected child abuse or neglect as required by the Abused
25 and Neglected Child Reporting Act.

26 (16) Physical illness, including but not limited to,

1 deterioration through the aging process, or loss of motor
2 skill, mental illness, or disability that results in the
3 inability to practice the profession with reasonable
4 judgment, skill, or safety.

5 (17) Solicitation of professional services other than
6 permitted advertising.

7 (18) Failure to provide a patient with a copy of his or
8 her record or prescription in accordance with federal law.

9 (19) Conviction by any court of competent
10 jurisdiction, either within or without this State, of any
11 violation of any law governing the practice of optometry,
12 conviction in this or another State of any crime that is a
13 felony under the laws of this State or conviction of a
14 felony in a federal court, if the Department determines,
15 after investigation, that such person has not been
16 sufficiently rehabilitated to warrant the public trust.

17 (20) A finding that licensure has been applied for or
18 obtained by fraudulent means.

19 (21) Continued practice by a person knowingly having an
20 infectious or contagious disease.

21 (22) Being named as a perpetrator in an indicated
22 report by the Department of Children and Family Services
23 under the Abused and Neglected Child Reporting Act, and
24 upon proof by clear and convincing evidence that the
25 licensee has caused a child to be an abused child or a
26 neglected child as defined in the Abused and Neglected

1 Child Reporting Act.

2 (23) Practicing or attempting to practice under a name
3 other than the full name as shown on his or her license.

4 (24) Immoral conduct in the commission of any act, such
5 as sexual abuse, sexual misconduct or sexual exploitation,
6 related to the licensee's practice.

7 (25) Maintaining a professional relationship with any
8 person, firm, or corporation when the optometrist knows, or
9 should know, that such person, firm, or corporation is
10 violating this Act.

11 (26) Promotion of the sale of drugs, devices,
12 appliances or goods provided for a client or patient in
13 such manner as to exploit the patient or client for
14 financial gain of the licensee.

15 (27) Using the title "Doctor" or its abbreviation
16 without further qualifying that title or abbreviation with
17 the word "optometry" or "optometrist".

18 (28) Use by a licensed optometrist of the word
19 "infirmary", "hospital", "school", "university", in
20 English or any other language, in connection with the place
21 where optometry may be practiced or demonstrated.

22 (29) Continuance of an optometrist in the employ of any
23 person, firm or corporation, or as an assistant to any
24 optometrist or optometrists, directly or indirectly, after
25 his or her employer or superior has been found guilty of
26 violating or has been enjoined from violating the laws of

1 the State of Illinois relating to the practice of
2 optometry, when the employer or superior persists in that
3 violation.

4 (30) The performance of optometric service in
5 conjunction with a scheme or plan with another person, firm
6 or corporation known to be advertising in a manner contrary
7 to this Act or otherwise violating the laws of the State of
8 Illinois concerning the practice of optometry.

9 (31) Failure to provide satisfactory proof of having
10 participated in approved continuing education programs as
11 determined by the Board and approved by the Secretary.
12 Exceptions for extreme hardships are to be defined by the
13 rules of the Department.

14 (32) Willfully making or filing false records or
15 reports in the practice of optometry, including, but not
16 limited to false records to support claims against the
17 medical assistance program of the Department of Healthcare
18 and Family Services (formerly Department of Public Aid)
19 under the Illinois Public Aid Code.

20 (33) Gross and willful overcharging for professional
21 services including filing false statements for collection
22 of fees for which services are not rendered, including, but
23 not limited to filing false statements for collection of
24 monies for services not rendered from the medical
25 assistance program of the Department of Healthcare and
26 Family Services (formerly Department of Public Aid) under

1 the Illinois Public Aid Code.

2 (34) In the absence of good reasons to the contrary,
3 failure to perform a minimum eye examination as required by
4 the rules of the Department.

5 (35) Violation of the Health Care Worker Self-Referral
6 Act.

7 (36) Violating any provision of the Internet
8 Prescribing Prohibition Act.

9 The Department may refuse to issue or may suspend the
10 license of any person who fails to file a return, or to pay the
11 tax, penalty or interest shown in a filed return, or to pay any
12 final assessment of the tax, penalty or interest, as required
13 by any tax Act administered by the Illinois Department of
14 Revenue, until such time as the requirements of any such tax
15 Act are satisfied.

16 (a-5) In enforcing this Section, the Board upon a showing
17 of a possible violation, may compel any individual licensed to
18 practice under this Act, or who has applied for licensure or
19 certification pursuant to this Act, to submit to a mental or
20 physical examination, or both, as required by and at the
21 expense of the Department. The examining physicians or clinical
22 psychologists shall be those specifically designated by the
23 Board. The Board or the Department may order the examining
24 physician or clinical psychologist to present testimony
25 concerning this mental or physical examination of the licensee
26 or applicant. No information shall be excluded by reason of any

1 common law or statutory privilege relating to communications
2 between the licensee or applicant and the examining physician
3 or clinical psychologist. Eye examinations may be provided by a
4 licensed optometrist. The individual to be examined may have,
5 at his or her own expense, another physician of his or her
6 choice present during all aspects of the examination. Failure
7 of any individual to submit to a mental or physical
8 examination, when directed, shall be grounds for suspension of
9 a license until such time as the individual submits to the
10 examination if the Board finds, after notice and hearing, that
11 the refusal to submit to the examination was without reasonable
12 cause.

13 If the Board finds an individual unable to practice because
14 of the reasons set forth in this Section, the Board shall
15 require such individual to submit to care, counseling, or
16 treatment by physicians or clinical psychologists approved or
17 designated by the Board, as a condition, term, or restriction
18 for continued, reinstated, or renewed licensure to practice, or
19 in lieu of care, counseling, or treatment, the Board may
20 recommend to the Department to file a complaint to immediately
21 suspend, revoke, or otherwise discipline the license of the
22 individual, or the Board may recommend to the Department to
23 file a complaint to suspend, revoke, or otherwise discipline
24 the license of the individual. Any individual whose license was
25 granted pursuant to this Act, or continued, reinstated,
26 renewed, disciplined, or supervised, subject to such

1 conditions, terms, or restrictions, who shall fail to comply
2 with such conditions, terms, or restrictions, shall be referred
3 to the Secretary for a determination as to whether the
4 individual shall have his or her license suspended immediately,
5 pending a hearing by the Board.

6 (b) The determination by a circuit court that a licensee is
7 subject to involuntary admission or judicial admission as
8 provided in the Mental Health and Developmental Disabilities
9 Code operates as an automatic suspension. The suspension will
10 end only upon a finding by a court that the patient is no
11 longer subject to involuntary admission or judicial admission
12 and issues an order so finding and discharging the patient; and
13 upon the recommendation of the Board to the Secretary that the
14 licensee be allowed to resume his or her practice.

15 (Source: P.A. 94-787, eff. 5-19-06.)

16 Section 110. The Illinois Physical Therapy Act is amended
17 by changing Section 17 as follows:

18 (225 ILCS 90/17) (from Ch. 111, par. 4267)

19 (Section scheduled to be repealed on January 1, 2016)

20 Sec. 17. (1) The Department may refuse to issue or to
21 renew, or may revoke, suspend, place on probation, reprimand,
22 or take other disciplinary action as the Department deems
23 appropriate, including the issuance of fines not to exceed
24 \$5000, with regard to a license for any one or a combination of

1 the following:

2 A. Material misstatement in furnishing information to
3 the Department or otherwise making misleading, deceptive,
4 untrue, or fraudulent representations in violation of this
5 Act or otherwise in the practice of the profession;

6 B. Violations of this Act, or of the rules or
7 regulations promulgated hereunder;

8 C. Conviction of any crime under the laws of the United
9 States or any state or territory thereof which is a felony
10 or which is a misdemeanor, an essential element of which is
11 dishonesty, or of any crime which is directly related to
12 the practice of the profession; conviction, as used in this
13 paragraph, shall include a finding or verdict of guilty, an
14 admission of guilt or a plea of nolo contendere;

15 D. Making any misrepresentation for the purpose of
16 obtaining licenses, or violating any provision of this Act
17 or the rules promulgated thereunder pertaining to
18 advertising;

19 E. A pattern of practice or other behavior which
20 demonstrates incapacity or incompetency to practice under
21 this Act;

22 F. Aiding or assisting another person in violating any
23 provision of this Act or Rules;

24 G. Failing, within 60 days, to provide information in
25 response to a written request made by the Department;

26 H. Engaging in dishonorable, unethical or

1 unprofessional conduct of a character likely to deceive,
2 defraud or harm the public. Unprofessional conduct shall
3 include any departure from or the failure to conform to the
4 minimal standards of acceptable and prevailing physical
5 therapy practice, in which proceeding actual injury to a
6 patient need not be established;

7 I. Unlawful distribution of any drug or narcotic, or
8 unlawful conversion of any drug or narcotic not belonging
9 to the person for such person's own use or benefit or for
10 other than medically accepted therapeutic purposes;

11 J. Habitual or excessive use or addiction to alcohol,
12 narcotics, stimulants, or any other chemical agent or drug
13 which results in a physical therapist's or physical
14 therapist assistant's inability to practice with
15 reasonable judgment, skill or safety;

16 K. Revocation or suspension of a license to practice
17 physical therapy as a physical therapist or physical
18 therapist assistant or the taking of other disciplinary
19 action by the proper licensing authority of another state,
20 territory or country;

21 L. Directly or indirectly giving to or receiving from
22 any person, firm, corporation, partnership or association
23 any fee, commission, rebate or other form of compensation
24 for any professional services not actually or personally
25 rendered. Nothing contained in this paragraph prohibits
26 persons holding valid and current licenses under this Act

1 from practicing physical therapy in partnership under a
2 partnership agreement, including a limited liability
3 partnership, a limited liability company, or a corporation
4 under the Professional Service Corporation Act or from
5 pooling, sharing, dividing, or apportioning the fees and
6 monies received by them or by the partnership, company, or
7 corporation in accordance with the partnership agreement
8 or the policies of the company or professional corporation;

9 M. A finding by the Board that the licensee after
10 having his or her license placed on probationary status has
11 violated the terms of probation;

12 N. Abandonment of a patient;

13 O. Willfully failing to report an instance of suspected
14 child abuse or neglect as required by the Abused and
15 Neglected Child Reporting Act;

16 P. Willfully failing to report an instance of suspected
17 elder abuse or neglect as required by the Elder Abuse
18 Reporting Act;

19 Q. Physical illness, including but not limited to,
20 deterioration through the aging process, or loss of motor
21 skill which results in the inability to practice the
22 profession with reasonable judgement, skill or safety;

23 R. The use of any words (such as physical therapy,
24 physical therapist physiotherapy or physiotherapist),
25 abbreviations, figures or letters with the intention of
26 indicating practice as a licensed physical therapist

1 without a valid license as a physical therapist issued
2 under this Act;

3 S. The use of the term physical therapist assistant, or
4 abbreviations, figures, or letters with the intention of
5 indicating practice as a physical therapist assistant
6 without a valid license as a physical therapist assistant
7 issued under this Act;

8 T. Willfully violating or knowingly assisting in the
9 violation of any law of this State relating to the practice
10 of abortion;

11 U. Continued practice by a person knowingly having an
12 infectious, communicable or contagious disease;

13 V. Having treated ailments of human beings otherwise
14 than by the practice of physical therapy as defined in this
15 Act, or having treated ailments of human beings as a
16 licensed physical therapist independent of a documented
17 referral or a documented current and relevant diagnosis
18 from a physician, dentist, advanced practice nurse,
19 physician assistant, or podiatrist, or having failed to
20 notify the physician, dentist, advanced practice nurse,
21 physician assistant, or podiatrist who established a
22 documented current and relevant diagnosis that the patient
23 is receiving physical therapy pursuant to that diagnosis;

24 W. Being named as a perpetrator in an indicated report
25 by the Department of Children and Family Services pursuant
26 to the Abused and Neglected Child Reporting Act, and upon

1 proof by clear and convincing evidence that the licensee
2 has caused a child to be an abused child or neglected child
3 as defined in the Abused and Neglected Child Reporting Act;

4 X. Interpretation of referrals, performance of
5 evaluation procedures, planning or making major
6 modifications of patient programs by a physical therapist
7 assistant;

8 Y. Failure by a physical therapist assistant and
9 supervising physical therapist to maintain continued
10 contact, including periodic personal supervision and
11 instruction, to insure safety and welfare of patients;

12 Z. Violation of the Health Care Worker Self-Referral
13 Act.

14 AA. Violating any provision of the Internet
15 Prescribing Prohibition Act.

16 (2) The determination by a circuit court that a licensee is
17 subject to involuntary admission or judicial admission as
18 provided in the Mental Health and Developmental Disabilities
19 Code operates as an automatic suspension. Such suspension will
20 end only upon a finding by a court that the patient is no
21 longer subject to involuntary admission or judicial admission
22 and the issuance of an order so finding and discharging the
23 patient; and upon the recommendation of the Board to the
24 Director that the licensee be allowed to resume his practice.

25 (3) The Department may refuse to issue or may suspend the
26 license of any person who fails to file a return, or to pay the

1 tax, penalty or interest shown in a filed return, or to pay any
2 final assessment of tax, penalty or interest, as required by
3 any tax Act administered by the Illinois Department of Revenue,
4 until such time as the requirements of any such tax Act are
5 satisfied.

6 (Source: P.A. 93-1010, eff. 8-24-04; 94-651, eff. 1-1-06.)

7 Section 115. The Podiatric Medical Practice Act of 1987 is
8 amended by changing Section 24 as follows:

9 (225 ILCS 100/24) (from Ch. 111, par. 4824)

10 (Section scheduled to be repealed on January 1, 2008)

11 Sec. 24. Refusal to issue or suspension or revocation of
12 license; grounds. The Department may refuse to issue, may
13 refuse to renew, may refuse to restore, may suspend, or may
14 revoke any license, or may place on probation, reprimand or
15 take other disciplinary action as the Department may deem
16 proper, including fines not to exceed \$5,000 for each violation
17 upon anyone licensed under this Act for any of the following
18 reasons:

19 (1) Making a material misstatement in furnishing
20 information to the Department.

21 (2) Violations of this Act, or of the rules or regulations
22 promulgated hereunder.

23 (3) Conviction of any crime under the laws of any United
24 States jurisdiction that is a felony or a misdemeanor, of which

1 an essential element is dishonesty, or of any crime that is
2 directly related to the practice of the profession.

3 (4) Making any misrepresentation for the purpose of
4 obtaining licenses, or violating any provision of this Act or
5 the rules promulgated thereunder pertaining to advertising.

6 (5) Professional incompetence.

7 (6) Gross or repeated malpractice or negligence.

8 (7) Aiding or assisting another person in violating any
9 provision of this Act or rules.

10 (8) Failing, within 60 days, to provide information in
11 response to a written request made by the Department.

12 (9) Engaging in dishonorable, unethical or unprofessional
13 conduct of a character likely to deceive, defraud or harm the
14 public.

15 (10) Habitual or excessive use of alcohol, narcotics,
16 stimulants or other chemical agent or drug that results in the
17 inability to practice podiatric medicine with reasonable
18 judgment, skill or safety.

19 (11) Discipline by another United States jurisdiction if at
20 least one of the grounds for the discipline is the same or
21 substantially equivalent to those set forth in this Section.

22 (12) Directly or indirectly giving to or receiving from any
23 person, firm, corporation, partnership or association any fee,
24 commission, rebate or other form of compensation for any
25 professional services not actually or personally rendered.

26 This shall not be deemed to include rent or other remunerations

1 paid to an individual, partnership, or corporation, by a
2 licensee, for the lease, rental or use of space, owned or
3 controlled, by the individual, partnership or corporation.

4 (13) A finding by the Podiatric Medical Licensing Board
5 that the licensee, after having his or her license placed on
6 probationary status, has violated the terms of probation.

7 (14) Abandonment of a patient.

8 (15) Willfully making or filing false records or reports in
9 his or her practice, including but not limited to false records
10 filed with state agencies or departments.

11 (16) Willfully failing to report an instance of suspected
12 child abuse or neglect as required by the Abused and Neglected
13 Child Report Act.

14 (17) Physical illness, including but not limited to,
15 deterioration through the aging process, or loss of motor skill
16 that results in the inability to practice the profession with
17 reasonable judgment, skill or safety.

18 (18) Solicitation of professional services other than
19 permitted advertising.

20 (19) The determination by a circuit court that a licensed
21 podiatric physician is subject to involuntary admission or
22 judicial admission as provided in the Mental Health and
23 Developmental Disabilities Code operates as an automatic
24 suspension. Such suspension will end only upon a finding by a
25 court that the patient is no longer subject to involuntary
26 admission or judicial admission and issues an order so finding

1 and discharging the patient; and upon the recommendation of the
2 Podiatric Medical Licensing Board to the Director that the
3 licensee be allowed to resume his or her practice.

4 (20) Holding oneself out to treat human ailments under any
5 name other than his or her own, or the impersonation of any
6 other physician.

7 (21) Revocation or suspension or other action taken with
8 respect to a podiatric medical license in another jurisdiction
9 that would constitute disciplinary action under this Act.

10 (22) Promotion of the sale of drugs, devices, appliances or
11 goods provided for a patient in such manner as to exploit the
12 patient for financial gain of the podiatric physician.

13 (23) Gross, willful, and continued overcharging for
14 professional services including filing false statements for
15 collection of fees for those services, including, but not
16 limited to, filing false statement for collection of monies for
17 services not rendered from the medical assistance program of
18 the Department of Healthcare and Family Services (formerly
19 Department of Public Aid) under the Illinois Public Aid Code or
20 other private or public third party payor.

21 (24) Being named as a perpetrator in an indicated report by
22 the Department of Children and Family Services under the Abused
23 and Neglected Child Reporting Act, and upon proof by clear and
24 convincing evidence that the licensee has caused a child to be
25 an abused child or neglected child as defined in the Abused and
26 Neglected Child Reporting Act.

1 (25) Willfully making or filing false records or reports in
2 the practice of podiatric medicine, including, but not limited
3 to, false records to support claims against the medical
4 assistance program of the Department of Healthcare and Family
5 Services (formerly Department of Public Aid) under the Illinois
6 Public Aid Code.

7 (26) Mental illness or disability that results in the
8 inability to practice with reasonable judgment, skill or
9 safety.

10 (27) Immoral conduct in the commission of any act
11 including, sexual abuse, sexual misconduct, or sexual
12 exploitation, related to the licensee's practice.

13 (28) Violation of the Health Care Worker Self-Referral Act.

14 (29) Failure to report to the Department any adverse final
15 action taken against him or her by another licensing
16 jurisdiction (another state or a territory of the United States
17 or a foreign state or country) by a peer review body, by any
18 health care institution, by a professional society or
19 association related to practice under this Act, by a
20 governmental agency, by a law enforcement agency, or by a court
21 for acts or conduct similar to acts or conduct that would
22 constitute grounds for action as defined in this Section.

23 (30) Violating any provision of the Internet Prescribing
24 Prohibition Act.

25 The Department may refuse to issue or may suspend the
26 license of any person who fails to file a return, or to pay the

1 tax, penalty or interest shown in a filed return, or to pay any
2 final assessment of tax, penalty or interest, as required by
3 any tax Act administered by the Illinois Department of Revenue,
4 until such time as the requirements of any such tax Act are
5 satisfied.

6 Upon receipt of a written communication from the Secretary
7 of Human Services, the Director of Healthcare and Family
8 Services (formerly Director of Public Aid), or the Director of
9 Public Health that continuation of practice of a person
10 licensed under this Act constitutes an immediate danger to the
11 public, the Director may immediately suspend the license of
12 such person without a hearing. In instances in which the
13 Director immediately suspends a license under this Section, a
14 hearing upon such person's license must be convened by the
15 Board within 15 days after such suspension and completed
16 without appreciable delay, such hearing held to determine
17 whether to recommend to the Director that the person's license
18 be revoked, suspended, placed on probationary status or
19 reinstated, or such person be subject to other disciplinary
20 action. In such hearing, the written communication and any
21 other evidence submitted therewith may be introduced as
22 evidence against such person; provided, however, the person or
23 his counsel shall have the opportunity to discredit or impeach
24 such evidence and submit evidence rebutting the same.

25 All proceedings to suspend, revoke, place on probationary
26 status, or take any other disciplinary action as the Department

1 may deem proper, with regard to a license on any of the
2 foregoing grounds, must be commenced within 3 years after
3 receipt by the Department of a complaint alleging the
4 commission of or notice of the conviction order for any of the
5 acts described in this Section. Except for fraud in procuring a
6 license, no action shall be commenced more than 5 years after
7 the date of the incident or act alleged to have been a
8 violation of this Section. In the event of the settlement of
9 any claim or cause of action in favor of the claimant or the
10 reduction to final judgment of any civil action in favor of the
11 plaintiff, such claim, cause of action, or civil action being
12 grounded on the allegation that a person licensed under this
13 Act was negligent in providing care, the Department shall have
14 an additional period of one year from the date of notification
15 to the Department under Section 26 of this Act of such
16 settlement or final judgment in which to investigate and
17 commence formal disciplinary proceedings under Section 24 of
18 this Act, except as otherwise provided by law. The time during
19 which the holder of the license was outside the State of
20 Illinois shall not be included within any period of time
21 limiting the commencement of disciplinary action by the
22 Department.

23 In enforcing this Section, the Department or Board upon a
24 showing of a possible violation may compel an individual
25 licensed to practice under this Act, or who has applied for
26 licensure under this Act, to submit to a mental or physical

1 examination, or both, as required by and at the expense of the
2 Department. The Department or Board may order the examining
3 physician to present testimony concerning the mental or
4 physical examination of the licensee or applicant. No
5 information shall be excluded by reason of any common law or
6 statutory privilege relating to communications between the
7 licensee or applicant and the examining physician. The
8 examining physicians shall be specifically designated by the
9 Board or Department. The individual to be examined may have, at
10 his or her own expense, another physician of his or her choice
11 present during all aspects of this examination. Failure of an
12 individual to submit to a mental or physical examination, when
13 directed, shall be grounds for suspension of his or her license
14 until the individual submits to the examination if the
15 Department finds, after notice and hearing, that the refusal to
16 submit to the examination was without reasonable cause.

17 If the Department or Board finds an individual unable to
18 practice because of the reasons set forth in this Section, the
19 Department or Board may require that individual to submit to
20 care, counseling, or treatment by physicians approved or
21 designated by the Department or Board, as a condition, term, or
22 restriction for continued, reinstated, or renewed licensure to
23 practice; or, in lieu of care, counseling, or treatment, the
24 Department may file, or the Board may recommend to the
25 Department to file, a complaint to immediately suspend, revoke,
26 or otherwise discipline the license of the individual. An

1 individual whose license was granted, continued, reinstated,
2 renewed, disciplined or supervised subject to such terms,
3 conditions, or restrictions, and who fails to comply with such
4 terms, conditions, or restrictions, shall be referred to the
5 Director for a determination as to whether the individual shall
6 have his or her license suspended immediately, pending a
7 hearing by the Department.

8 In instances in which the Director immediately suspends a
9 person's license under this Section, a hearing on that person's
10 license must be convened by the Department within 15 days after
11 the suspension and completed without appreciable delay. The
12 Department and Board shall have the authority to review the
13 subject individual's record of treatment and counseling
14 regarding the impairment to the extent permitted by applicable
15 federal statutes and regulations safeguarding the
16 confidentiality of medical records.

17 An individual licensed under this Act and affected under
18 this Section shall be afforded an opportunity to demonstrate to
19 the Department or Board that he or she can resume practice in
20 compliance with acceptable and prevailing standards under the
21 provisions of his or her license.

22 (Source: P.A. 89-507, eff. 7-1-97; 90-76, eff. 12-30-97;
23 revised 12-15-05.)".